

REMARKS

I. Present Status of Patent Application

Claims 1-6, 8-19, 21-30, 32-38 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of prior U.S. Patent No. 6,603,764.

Claims 29-30 and 32-34 have been rejected under 35 U.S.C. § 112, 2 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention.

Claims 35-38 have been rejected under 35 U.S.C. § 103 as allegedly being obvious in view of Lipsit et al. (USPN 5,956,636, hereinafter "Lipsit") or Henry Jr. et al. (USPN 5,603,084, hereinafter "Henry").

II. Examiner Interview

On April 15, 2004, in an Examiner Interview by telephone, Applicant's attorney, Sam Han, discussed various aspects of the Office Action with Examiner Cangialosi. Applicant thanks the Examiner for graciously providing his time and suggestions.

During the Examiner Interview, Applicant indicated that a terminal disclaimer would be filed, which would obviate the double-patenting rejection. Examiner Cangialosi agreed that the terminal disclaimer would, indeed, render the double-patenting rejection moot.

Examiner Cangialosi suggested that Applicant amend the "capable of" language in claim 29 to "for," thereby traversing the rejection for indefiniteness. Applicant thanks Examiner Cangialosi for his suggestion, and has amended the claim accordingly.

With reference to the obviousness rejection for claims 35-38, Examiner Cangialosi suggested that Applicant provide a description of how the "scoped code" differs from the teachings in the cited references. The distinction is provided below.

Again, Applicant thanks the Examiner for his time and suggestions.

III. Discussion of Rejections

A. Rejection of Claims 1-6, 8-19, 21-30, and 32-38 for Nonstatutory Double Patenting

Claims 1-6, 8-19, 21-30, and 32-38 have been provisionally rejected under the judicially-created doctrine of nonstatutory double patenting. The Office Action alleges that these claims are "not patentably distinct" over claims 1 through 3 of U.S. Patent Number 6,603,764, issued to Epley on August 5, 2003.

Although Applicants do not necessarily agree with the basis for the rejection, Applicants submit herewith a terminal disclaimer disclaiming any term that would extend beyond the term of U.S. Patent No. 6,603,764. In view of this terminal disclaimer, Applicants respectfully submit that the rejection is moot.

B. Rejection of Claims 29-30 and 32-34 Under 35 U.S.C. § 112 ¶ 2

Claims 29-30 and 32-34 have been rejected under 35 U.S.C. § 112 ¶ 2 as allegedly failing to particularly point out and distinctly claim the subject matter of the invention. In accordance with Examiner Cangialosi's suggestion, claim 29 has been directly amended to overcome this deficiency. Applicant, therefore, respectfully submits that claim 29 is now in condition for allowance.

Applicant submits that claims 29-30 and 32-34 are presently in condition for allowance. Hence, Applicant respectfully requests the allowance of claims 29-30 and 32-34.

C. *Rejection of Claims 35-38 Under 35 U.S.C. § 103(a)*

As an initial matter, Applicant respectfully submits that, while each of claims 35 through 38 may share one or more similar limitations, each of these claims is of varying scope. Hence, these claims do not stand or fall together.

The Office Action rejects claims 35 through 38 under 35 U.S.C. § 103(a) as being unpatentable over Lipsit or Henry. For the reasons set forth below, Applicant traverses this rejection.

Each of independent claims 35 through 38 includes the limitation of a "geographic identifier including a scoped code." Applicant respectfully submits that a "scoped code" is neither taught nor suggested by Lipsit or Henry, either alone or in combination.

As noted in the written description of the application, Applicant explicitly distinguishes one example of a "scoped code" from other geographic identifiers. *See, e.g.*, Application at p. 12, lines 18-19 ("The code . . . is in a geographic identification field and is called a geographic identifier, but is a special type of identifier called a 'scoped code'"). Specifically, the scoped code, in the disclosed example, indicates "the geographical scope in which a device having the address might be connected to the network." *See*, Application at p. 13, lines 14-15. Thus, the exemplary "scoped code" is indicative of "a wide variety of geographic scopes." *See*, Application at p. 9, line 18.

While both Henry and Lipsit may arguably teach a "geographic identifier," Applicant

respectfully submits that neither Henry nor Lipsit, either alone or in combination, teach a "scoped code." In the absence of such a teaching, Applicant respectfully submits that claims 35 through 38 are neither anticipated nor rendered obvious in view of the cited references.

Applicant respectfully submits that, since the claimed "scoped code" is distinct from other "geographic identifiers," each of claims 35 through 38, which include the limitation of a "scoped code," is allowable. Thus, Applicant requests allowance of claims 35 through 38.

IV. References Made of Record

The references made of record have been considered, but are not believed to affect the patentability of the presently pending claims.

CONCLUSION

Applicant submits that all claims are now in proper condition for allowance, and respectfully requests that the Examiner pass this case to issuance. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

If there is any deficiency in this fee, or if and additional fees are required, you are hereby authorized to charge any and all such fees to Deposit Account No. 20-0778.

Respectfully submitted,

Jeffrey R. Kuester
Registration No. 34,367

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, L.L.P.

Suite 1750

100 Galleria Parkway N.W.

Atlanta, Georgia 30339

(770) 933-9500